Nova Scotia Utility and Review Board
Annual Accountability Report
For the Fiscal Year Ended March 31, 2013

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Accountability Statement

The accountability report of the Nova Scotia Utility and Review Board for the year ended March 31, 2013, is prepared pursuant to the *Finance Act* and government policies and guidelines. These authorities require the reporting of outcomes against the Board's Statement of Mandate for the fiscal year 2012-2013. The reporting of the Board's outcomes necessarily includes estimates, judgements and opinions by management.

We acknowledge that this accountability report is the responsibility of the Board's management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Board's 2012-2013 Statement of Mandate.

Peter W. Gurnham, QC, Chair

Paul G. Allen, CA, Executive Director

Introduction

This accountability report reflects on progress made in achieving the outcomes set out in the 2012-2013 Statement of Mandate for the Board. The Board recommends that this accountability report be read in conjunction with that Statement of Mandate.

For the 2012-2013 reporting year there were no changes of significance to the Board's mandates.

Financial Results

Nova Scotia Utility & Review Board - Estimated Budget Expenditures				
	Budget 2012-2013	Actual 2012-2013	Variance	See Notes
	000's	000's	000's	
Revenues (non-capital):				
Operating Grant from Province of Nova Scotia	2,038	2,038	-	
Recoveries from utilities and others	3,595	4,792	1,197	
Unbudgeted operations	-	3,260	3,260	1
Total revenues	5,633	10,090	4,457	
Expenditures (non-capital):				
Budgeted	5,633	6,702	1,069	
Unbudgeted operations	-	3,263	3,263	1
Total expenditures	5,633	9,965	4,332	
Net income	-	125	125	
Restricted & unrestricted surplus, beginning of year	1,409	1,409	-	
Restricted & unrestricted surplus, end of year	1,409	1,534	125	2
Salaries and benefits	3,934	3,959	25	
Funded Members and staff (FTE's)	40	40	-	

Notes:

1. Consultants are engaged by the Board to provide advice related to matters such as utility and

natural gas operations and to provide expert testimony during hearings. Consulting fees for specific hearings are generally recovered directly from the entities involved. Expenses and recoveries relating to large hearings cannot be reasonably predicted or estimated in advance, accordingly, no provision is made for these activities in the budget. The Board also recovers certain transcription, copying and other direct expenses from various sources.

2. The complete audited financial statements of the Board are published annually in Part II of the Public Accounts for the Province of Nova Scotia. The 2012-2013 financial statements were prepared in accordance with Canadian Public Sector Accounting Standards as issued by the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants.

Measuring Our Performance

The core mandate of the Board is to fairly and independently resolve matters. Performance measurement in a quasi-judicial context must be carefully designed due to the "custom" or "unique" nature of many applications and appeals. For example, some hearings require reviews of large amounts of evidence, involve many parties, and can take a number of months to schedule and complete. Other matters may only require a review of small amounts of evidence and, after scheduling, need only a few days to complete. Activity and speed measures do not equate to quality of decision making or due legal process. Regardless of the type of hearing the primary emphasis must always be on producing an unbiased, timely, fair and legally correct decision.

Desired Outcome:	Independently and fairly resolve matters in a timely fashion.
Measures:	Percentage of hearing decisions issued within target or legislated number of days. Percentage of decisions in relation to interlocutory matters released within 10 business days of final submission.
Targets:	95% or more of hearing decisions released within stated timeline. 100% of decisions released within stated timeline for 60 day planning matters. 95% or more of decisions released within stated timeline for 10 day or interlocutory matters.
What Do these Measures Tell Us?	These measures show how timely the Board is at resolving matters.

Where Are We Now and Reporting on 2012-2013 Targets?

As can be seen from Schedule 1 below there is an overall success rate of 97.8% for all cases (2011-2012: 96.9%). This exceeds the stated target of 95%.

Average decision times by mandate are presented in Schedule 2. Variations in average times can be expected from year to year and with changes in the mandates assigned to the Board. Larger, more complex hearings take more time to decide and cause the average to increase. Conversely, larger numbers of single issue hearings take less time to decide and cause the average to decrease.

The success rate for 90 day matters was slightly better than that of the preceding year at 97.6% (2011-2012: 96.3%).

The overall success rate for 60 day matters was 97.9% (2011-2012: 95.8%). Within that group, the success rate for planning matters was 80.0% (2010-2011: 85.7%). Planning matter figures are based on 8 of 10 completed matters having a decision rendered within the 60 day target. It should be noted that the average decision writing time for planning matters was 54 days (2011–2012: 55 days).

The success rate for 10 day matters was 100.0%, up slightly from the prior year (2011-2012: 97.7%). The number of matters falling into the 10 day classification was down sharply from 354 to 34 due to both the transfer of a substantial portion of the Liquor Licensing mandate late in the previous fiscal year, and reclassification of some types of files from 10 day matters to 90 day matters (see notes below).

Where do we want to be?

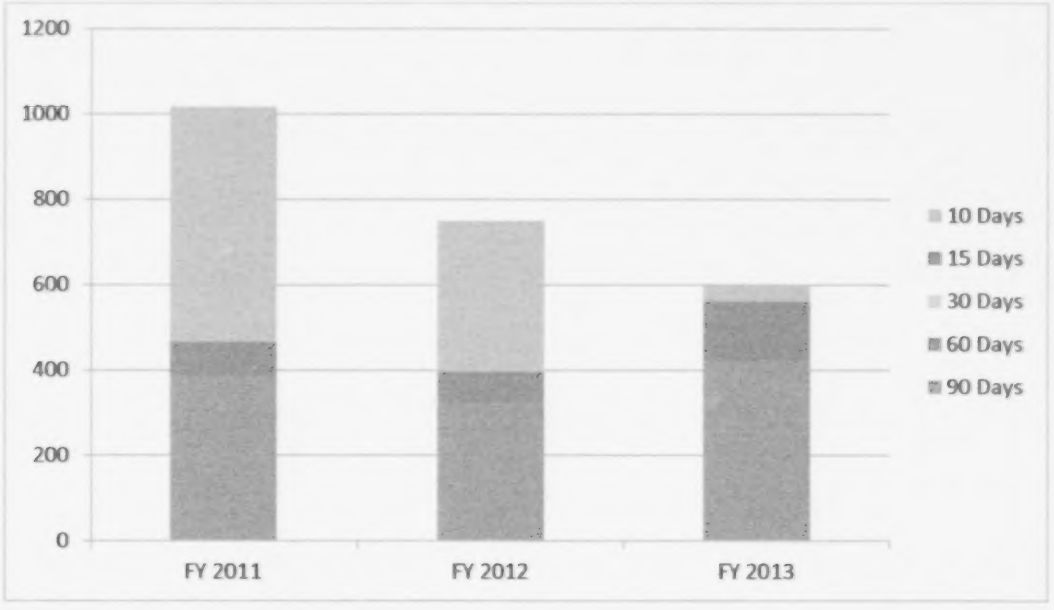
Success is measured against the target writing times for the specific type of matter. Additional targets, as may be established by statute or the Board, may be added in future. At this time we wish to continue to have a success rate that is as high as possible while respecting the primary emphasis of producing an unbiased, timely, fair and legally correct decision. No targets have been set for average times to decision in recognition of the higher priority being placed on fairness and correctness. The information will continue to be monitored and the averages kept as low as possible.

Schedule 1 – Success by Writing Time

Summary results for compliance with policy on decision production times are as follows:

Decision writing targets[1]	2012-2013			2011-2012		
	Number of Matters Decided	Matters Within Standard	Success Rate	Number of Matters Decided	Matters Within Standard	Success Rate
90 days	420	410	97.6%	323	311	96.3%
60 days	143	140	97.9%	71	68	95.8%
30 days	1	1	100.0%	0	0	NA
15 days	0	0	NA	2	2	100.0%
10 days	33	33	100.0%	354	346	97.7%
Combined	597	584	97.8%	750	727	96.9%

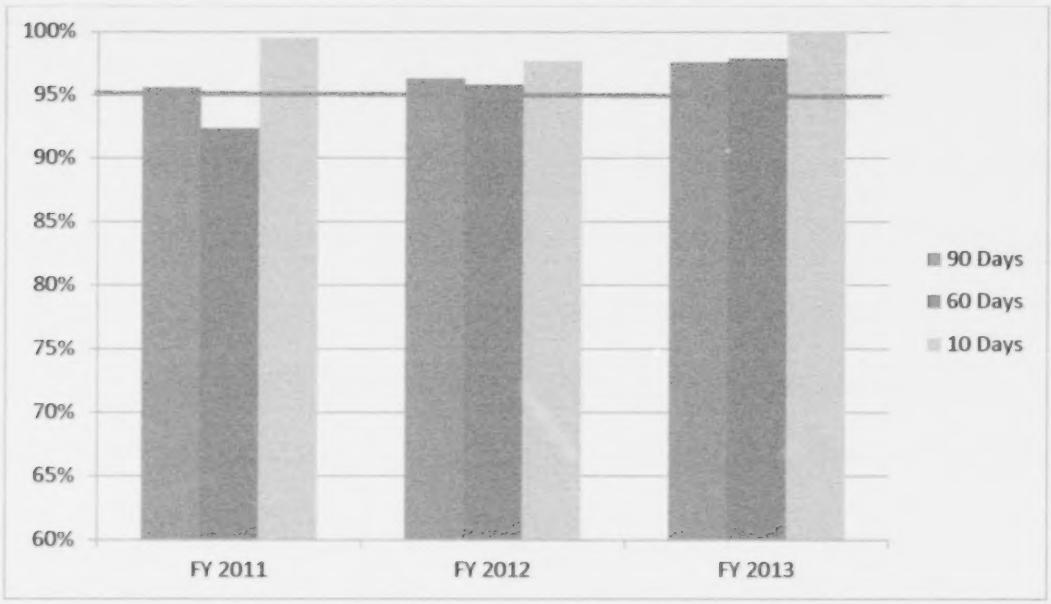
Chart 1 – Comparison of Number of Matters by Writing Time[2]



[1] Decision writing times are measured from the date of receipt of final evidence to the date of issuance of the Decision. 10 day matters are expressed in working days. All others are calendar days.

[2] See notes on next page.

Chart 2 – Comparison of Success Rate by Major Writing Time Categories



Key points relating to the table and charts above:

1. The Board is generally meeting its intended target of releasing 95% or more of decisions within the targeted number of days after receipt of final submissions.

2. Chart 1 shows two fundamental shifts in the number of matters by decision writing target. Those are explained as follows:

    a. In fiscal 2011-2012 there were a total of 338 matters relating to the Liquor Licensing mandate. A substantial part of that mandate was transferred to the Alcohol and Gaming Division of Service Nova Scotia and Municipal Relations in early January 2012. By comparison, only five such matters were dealt with in the current reporting year. A significant portion of Liquor Licensing matters were classified as having a 10 day writing target.

    b. During the current fiscal year it was decided to change the classification of some types of insurance matters to 90 day writing targets and to begin measuring the writing time from receipt of the last information provided by the applicant as opposed to completion of analysis by staff or consultants. The intent of the change was to better monitor and shorten the overall processing time by including time for analysis in the writing time period.

This change results in an increase in the number of 90 day matters and corresponding decreases in other categories.

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Schedule 2 – Average Writing Time by Matter Type

Average decision production times by area of jurisdiction are as follows.

Jurisdiction / Mandate	2012-2013		2011-2012	
	Number of Decisions (all types)	Average Time to Decision (days)[3]	Number of Decisions (all types)	Average Time to Decision (days)
Gaming	12	4	9	0
Liquor	5	5	338	2
Theatre & Amusements	1	0	0	NA
Assessment	40	17	21	17
Automobile Insurance	153	15	76	18
Criminal Injury Compensation	0	NA	0	NA
Electricity	136	29	111	28
Expropriation Compensation	2	46	0	NA
Fire Safety	1	23	1	0
Heritage Properties	0	NA	0	NA
Halifax-Dartmouth Bridge Commission	0	NA	0	NA
Motor Carrier	98	5	60	8
Municipal & School Board Boundaries	8	56	10	14
Natural Gas	35	32	21	30
Payday Loans	0	NA	0	NA
Petroleum Product Pricing	55	1	57	2
Planning	10	54	7	55
Railways	0	NA	0	NA
Water	29	22	27	19
Wastewater	12	21	12	10
Total	597		750	

[3] Where the average writing time is "0" all decisions were issued on the same day as the final information was received.

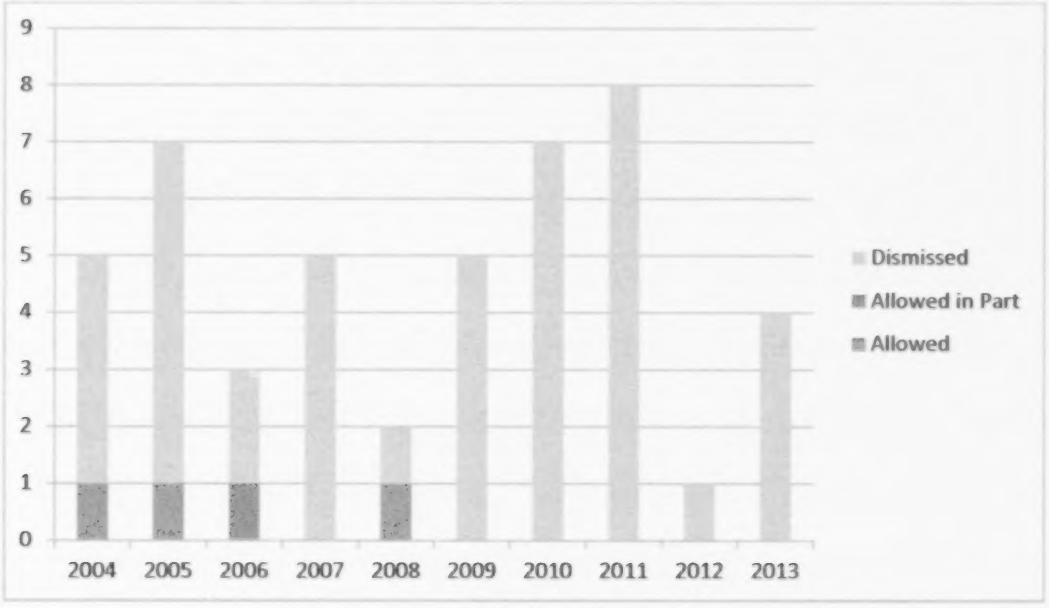
Schedule 2 above shows the number of matters or cases decided by type and the average time from receipt of final information from the parties to release of a Decision. Figures include all types of matters and do not separate applications or appeals which can be dealt with or without a hearing from major ones requiring public proceedings.

The number of automobile insurance applications was up sharply from the prior year. Most of the change can be attributed to filings in preparation for *Insurance Act* reforms scheduled to be in effect for April 1, 2013 (approximately 67 applications). The number of Liquor Licensing matters fell due to the transfer of a significant part of the mandate to Service Nova Scotia and Municipal Relations in early January, 2012.

Appeals of Board Orders

Board Orders can be appealed to the Nova Scotia Court of Appeal when a party feels the Board has incorrectly applied the law or its authority. Appeals must be filed within 30 days of the date of issuance of the Order. The following chart shows the number of appeals relating to Board proceedings decided by the Court of Appeal in the last ten years and the outcome.

Chart 3 – Appeals Decided by Fiscal Year



Key:

"Dismissed" means the Court upheld the Board's decision.
"Allowed in Part" means the Court upheld parts of the Board's decision but overturned others.
"Allowed" means the Court overturned the entire Board decision.

Annual Report under Section 18 of the Public Interest Disclosure of Wrongdoing Act

The *Public Interest Disclosure of Wrongdoing Act* was proclaimed into law on December 20, 2011. The Act provides for employees to be able to come forward if they reasonably believe that a wrongdoing has been committed or is about to be committed and they are acting in good faith. The Act also protects employees who do disclose from reprisals, by enabling them to lay a complaint of reprisal with the Labor Board.

A "wrongdoing" for the purposes of the Act is:

a) a contravention of provincial or federal laws or regulations;

b) a misuse or gross mismanagement of public funds or assets;

c) an act or omission that creates an imminent risk of a substantial and specific danger to the life, health or safety of persons or the environment; or,

d) directing or counselling someone to commit a wrongdoing.

The following is a summary of disclosures received by the Nova Scotia Utility and Review Board for fiscal 2012-2013:

Information Required under Section 18 of the Act	Fiscal Year 2012-2013
The number of disclosures received	0
The number of findings of wrongdoing	Not applicable
Details of each wrongdoing	Not applicable
Recommendations and actions taken on each wrongdoing	Not applicable

Appendix A - List of Statutes Containing Board Mandates

1. *Assessment Act*, R.S.N.S. 1989, c.23 as amended
2. *Consumer Protection Act*, R.S.N.S. 1989, c.92 as amended
3. *Education Act*, S.N.S. 1995-96, c.1 as amended
4. *Electrical Installation and Inspection Act*, R.S.N.S. 1989, c. 141 as amended
5. *Electricity Act*, SNS 2004 c. 25 as amended
6. *Energy Resources Conservation Act*, R.S.N.S., 1989, c.147 as amended
7. *Expropriation Act*, R.S.N.S. 1989, c. 156 as amended
8. *Fire Safety Act*, S.N.S. 2002, c.6
9. *Gaming Control Act* (Part II), S.N.S. 1994-95, c. 4 as amended
10. *Gas Distribution Act*, S.N.S., 1997, c. 4 as amended
11. *Halifax-Dartmouth Bridge Commission Act*, R.S.N.S. 1989, c.192 as amended
12. *Halifax Regional Municipality Charter*, SNS 2008, c.39
13. *Halifax Regional Municipality Water Commission Act*, S.N.S. 1963, c.55 as amended
14. *Heritage Property Act*, R.S.N.S. 1989, c.199 as amended
15. *Insurance Act*, R.S.N.S. 1989, c.231 as amended[4]
16. *Liquor Control Act*, R.S.N.S. 1989, c.260 as amended
17. *Maritime Link Act, SNS 2012*, c. 9
18. *Motor Carrier Act* (public passenger only), R.S.N.S. 1989, c.292 as amended
19. *Motor Vehicle Transport Act of Canada*, S.C. 1987, c.35 (Federal) as amended
20. *Municipal Government Act*, S.N.S. 1998, c.18 as amended
21. *Nova Scotia Power Finance Corporation Act*, R.S.N.S. 1989, c.351 as amended
22. *Nova Scotia Power Privatization Act*, S.N.S. 1992, c.8 as amended
23. *Petroleum Products Pricing Act*, S.N.S., 2005, c. 11
24. *Petroleum Resources Act*, R.S.N.S. 1989, c. 342 as amended
25. *Petroleum Resources Removal Permit Act*, S.N.S. 1999 c.7 as amended
26. *Pipeline Act*, R.S.N.S. 1989 c. 345 as amended
27. *Public Utilities Act*, R.S.N.S. 1989, c.380 as amended
28. *Railways Act*, S.N.S. 1993, c.11 as amended
29. *Revenue Act*, S.N.S. 1995-96, c.17 as amended
30. *Technical Safety Act*, S.N.S. 2008, c.10[5]
31. *Theatre and Amusement Act*, R.S.N.S. 1989, c. 466 as amended
32. *Underground Hydrocarbons Storage Act*, S.N.S. 2001, c. 37
33. *Utility and Review Board Act*, S.N.S. 1992, c. 11 as amended
34. *Victims' Rights and Services Act*, R.S.N.S. 1989, c.14 as amended

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[4] Automobile insurance only.
[5] Sections relating to the Board not yet fully proclaimed.